App F IX 4

Previous References (1941) File No 135-41

Serial Nos. 3, 11

Later References

Rel 135-41-6

Rel 135-41-

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for March 42

SUBJECT

Amendments to Mysore city Municipal Laws - obligatory delegation of powers by the President to the V P-dt

To,

The President city Municipal Council Mysore

L 8784/23342

Declines the proposal re The——

Recd 28 3 42

A

Serial No	
3	From the Pdt, Cuf mc cl, Alleppey No GT 1879 Dy 17-2 42 Forwards for orders of Govt a copy of the resolution of the mc cl Dy 9-2 42 requiring amendment of Rule 7 Chapter IV of the Byelaws so as to make the rule obligatory on the Pdt to delegate all his powers and functions during his absence from the mc limits to the Vice Pdt. Submd The amendment proposed does not appear to be necessary Gl'48 21/2 The Municipal Council have proposed a series of amendments to the Bye-laws For facility sake all the amendments may be Considered in one file especially as the object behind all the amendments is the same
Dy No 4803	3 Amendment No 1 Resolution 537 - to make it obligatory on the Pdt to delegate all powers to the Vice Pdt during the former's absence from the Municipal limits
D 4804	Amendment No 2 Resolution No 537 - Empowering

NOTE—Cont Sheet

WD 041 5—G1 B—50 000— 3 10 41

Amendments to Nagpur City Municipal By-Laws

File No | of 194 | General and Revenue Secretariat

Serial No

the Vice Pdt to sanction all Prosecutions under the Act & Bye laws

Amendment No 3 Rule No 534 Removal of the discretion from the Pdt to make an absolute delegation to the Vice Pdt — D 4799

Amendment No 4 Rule No 540. To empower the Vice Pdt to deal with the Prosecutions [193 S.] of C P Act, to Compound offences (Sec 194 of Act) & to decide on the alternative procedure of suing in a Court of Law (Sec 198 of the Act) — D 4800

Amendment No 5 Rule No 539 Removing from the Pdt the power to order Prosecutions & sue to — D 4854

The Pdt has not done anything of his own except on Amendment No 2 above, that is in pursuance to Section 24(2) read with Section 245 of the C P Act (Powers of Pdt) and beyond the general requirement of the Act that Changes in Bye laws should be approved by Govt before they come into force under Section 49(1) of the C P Act

However, all the 5 amendments are of the same Nature They aim at making the Vice Pdt

A ... to the Nyasaland Civil Service Amendments to Nyasaland Civil Service Rules

Serial No

the "Major Domus" and making the Civil Service one with a Non Official Element though not in name.

Not one of the Resolutions states the reasons for the proposed Amendment

It is possible that the Civil Service may take the stand that they have proposed the amendments under the General Power vested in them by Section 69 (6)(1) — passing on functions of the Executive

(a) There might therefore be no good reason to deliver with the provisions of the Act for a basis from which to reject the amendments as ultra vires

In the first place no reasons are forthcoming for the amendments

In the second, the present time is ill timed for any liberalisation of existing powers, with its incidental loss of revenue & larger demand on the Govt resources

(7) It is therefore for orders if the Civil Service may not be informed that Govt cannot see their way to consent approval to the Amendments under Section 69 Powers

NOTE—Cont Sheet

WD 141 —GPB— 000—23-10-41

Amendments to Municipal Corporations Act

File No. 4803 of 1942

General and Revenue Secretariat

Serial No

Subject to orders

8) The other resolutions have been separately submitted with notes thereon

29/2/42

9) In this case, a mandatory rule 7 of the rules (Page 30 of the Bylaws) is proposed so as to make it obligatory on the President to delegate all the powers normally during his absence for short terms to the Vice President under Sec 26 of the City Municipal Act, the Vice President can exercise any of such of the powers as may be delegated to him by the President from time to time. The present rules in accordance with this provision but is left to the discretion under the rule to the President to do as he thinks best under particular circumstances. The proposal is ultra vires of the Act & the bylaws & rules of the Municipality, as it tries to make the position of the Vice President independent of the President. The resolution cannot be accepted for orders

Secretary for Defence

SECY L & I DEPT 1693 24-3-42 GOVT OF INDIA

Amendments to Mysore Cls Act No 4 of 1903
Cls Bye-laws — Obligatory delegation of powers by Act to the Com Rdr

General and Revenue Secretariat | File No | of 194 | [App F II –2 Rdr

Serial No

OFFICE OF THE ADVOCATE GENERAL & LEGISLATIVE ASSISTANT
Dt 3 3 1942
No 5215
DEWAN'S OFFICE
9 MAR 1942
3764

10) The resolution is contrary to the express terms of the Act and ultra vires.

11) The resolution may not be approved

Minister / L S G) Hm 2 26/2/42 John

12) Dewan) Hm 2 7 3 42 John

Hm 2 7 3 42 John

13 Rule 10/3/42

Hm 12/3/42 Am

14) Secy with a draft letter for appl

SECY L CEPT 2202 1 GOVT OF MYSORE

MKS 13/3 Rc 13/3

15) For approval Law Secy) John 13/3/42

16) Hm 2 18/3/42 Issue

17) Secy 18/3/42

NOTE—Co tn She t

ML File No 135 4803 L of 1941

General and Revenue Secretariat

Serial No 11

To The Offg, Cf mlcl, Mysore
No L8789 Dy 23-3-42
States that Govt regret that the resolution of the mlcl cannot be sanctioned

4803/42

No G T 1879

Dated 14th February 1942

Rl 135-41-3

From B S Raghavendra Rao, Esq M A, (Pons)
~~M NAVANEETHAM NAIDU Esq B A BL~~
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To H V Narayana Rao, Esq B A, LL B,
Secretary to Government
Law Department
Bangalore

SECY LAW DEPT 13 FEB 1942 GOVT OF MYSORE

I have the honour to forward herewith for orders of Government the extract of Resolution No 537 passed by the Municipal Council in their meeting dated 9th February 1942 requiring amendment of Rule 7 Chapter IV (page 30) of the printed Bye-laws so as to make the rule obligatory on the President to delegate all his powers and functions during his absence from the Municipal limits to the Vice-president Under proviso ~~ix~~ 1 to Section 49 of the City Municipalities Act all alterations of rules require the previous sanction of Government

I have the honour to be
Sir,
Your most obedient servant,
B S Raghavendra Rao
President
16 2

HS

Margin
(Proviso 1 to Section 49) no rule made or any alteration or ~~xxxxx~~ rescission of a rule made by a Municipal Council under this section shall have effect unless and until it has been approved by the Government

MYSORE CITY MUNICIPALITY

Proceedings of the Adjourned Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Monday the 9th February 1942, at 5 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Sita am ah Esq B A B L, *Vice President*
3 A Krishna Murty Esq
4 S Linganna Esq
5 U L R machand a Rao Esq
6 T Narasimha Iyengar Esq B A B L
7 A N Suryana ayana Rao Esq
8 Agaram Rangiah Esq
9 B Nar yan swamy Esq B A B L
10 T Mariappa Esq B A LL B
11 M V Venkatarami h Esq
12 M S N njappa Esq
13 G R R ngaswamiah Esq
14 E P Nanjappa Esq
15 G J ardan Naidu Esq
16 M R C Basappa Esq
17 T Venkatarama i h Esq
18 T S Alikhan Esq
19 Haji Mi Amiruddin Khuraishi Esq
20 S A Ka eem Esq
21 B L Ma idandiah Esq
22 F C Devaraja Urs Esq

ABSENT

23 Chowdiah Esq
24 M K Linganna Esq B A LL B
25 M C Mallappa Esq
26 C S Dixit Esq B A LL B
27 N Rajagopala Iyengar Esq B A B L
28 Mrs B Kameswaramma B A
29 Dr A J Ram L M & S
30 Patnam Sreenivasasetty Esq
31 Mahomed Khalilulla Esq M A LL B

XXXX XXXX XXXX

537 'Resolved that in rule 7 Chapter IV at page 30 of the Printed rules and bye-laws revised edition, delete 'In the absence of specific provision to the contrary in these rules or in orders passed by the President in writing and begin the rule with a capital T' in the word the

Proposed by Mr E P Nanjappa
Seconded by Mr T Venkataramaniah

XXXX 'CARRIED'

XXXX XXXX

Sd B S Raghavendra Rao,
PRESIDENT

COPY'
B S Raghavendra Rao
PRESIDENT

KSR

Appendix F G—1]

SUBJECT

Section ml
File No 135-41
Serial No 11

y No of letter replied to

No L 8789

General and Revenue Secretariat

( )

the 19

To The Dch, Cff mlcl, Mysore

Sir,

Date of issue 23 3 42

With reference to your letter no gf 1879 forwarding for orders of Govt a copy of the resolution no 537 passed by the mlcl at their meeting held on 9-2-42 requiring amendment of rule 7, Chapter IV of the Rules & Bylaws of the city mlcl so as to make the rule obligatory on the Dch to delegate all his powers & functions during his

Signed by Mg Rao

List of enclosures

Copied by

Examined by

absence from the mid limits
to the Vice Pdt, I am directed to
state that, under section 26
of the City Metres Act 1933, the Vice
Pdt can exercise only such
of the Powers as may be ~~deputed~~ delegated ~~delegated~~ delegated
to him by the Pdt from time to time
& the present rule is in accordance
with this provision & I am therefore to state that Govt regret that
of the City Mcl cannot be sanctioned
as it is ultra vires of the Act &
the rules & Bye laws of the Singapore
City Mcl. & tries to make the ~~seeks to develop a~~ ~~discretionary provision of the Act~~ ~~into an obligatory one~~
~~position~~ of the Vice Pdt ~~independent~~
of the Vice Pdt

I have etc
Hm.
1/3/13
for Secy to Govt
Law Dept

from MKR
1/3/13

SEC
13/